

1909

130000367

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 11-1220-3009

ELECTIONS: UNIT G-45  
(herein Subject Drilling Unit)

*Note: This Order includes revised exhibits approved at the 2/21/12 VGOB hearing that were omitted from the prior Order.*

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on January 12, 2012 which was recorded at Document 120000285 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on February 17, 2012, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit G-45;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company 38 E. Valley Drive, Bristol, VA 24201, Attn: Debbie Davis or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 31 day of Jan. ~~February~~, 2013,  
by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert  
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 31<sup>ST</sup> day of JANUARY ~~February~~, by  
Order of the Board.

Rick Cooper  
Rick Cooper  
Principal Executive to the  
Staff, Virginia Gas and Oil Board

STATE OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 31<sup>ST</sup> day of January ~~February~~, 2013  
personally before me a notary public in and for the Commonwealth of  
Virginia, appeared Bradley C. Lambert, being duly sworn did depose and  
say that he is Chairman of the Virginia Gas and Oil Board, and appeared  
Rick Cooper, being duly sworn did depose and say that he is Principal  
Executive to the Staff of the Virginia Gas and Oil Board that they  
executed the same and were authorized to do so.

Diane Davis  
Diane Davis, Notary Public  
174394

My commission expires: September 30, 2013



VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit G-45  
VGOB 11-1220-3009 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING  
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Anita D. Duty, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Land Resources, Inc., as a Pooling Supervisor and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on January 12, 2012, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Lebanon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on February 17, 2012;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

*Carried Operator (Option 9.3)*- Gregory Poulos, Jason G. Poulos, Pamela F. Poulos,  
Derek Rogers and Shaun Rogers

That respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of January 12, 2012;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

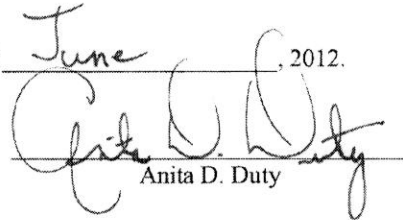
None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

None

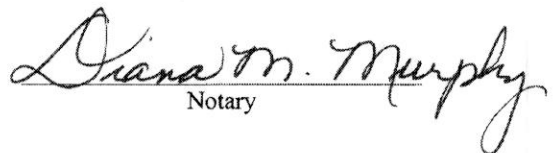
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 15<sup>th</sup> day of June, 2012.

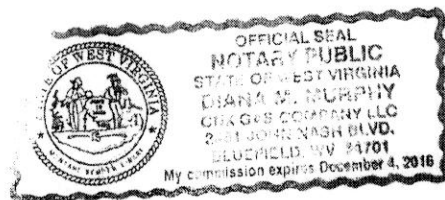
  
Anita D. Duty

STATE OF WEST VIRGINIA  
COUNTY OF MERCER

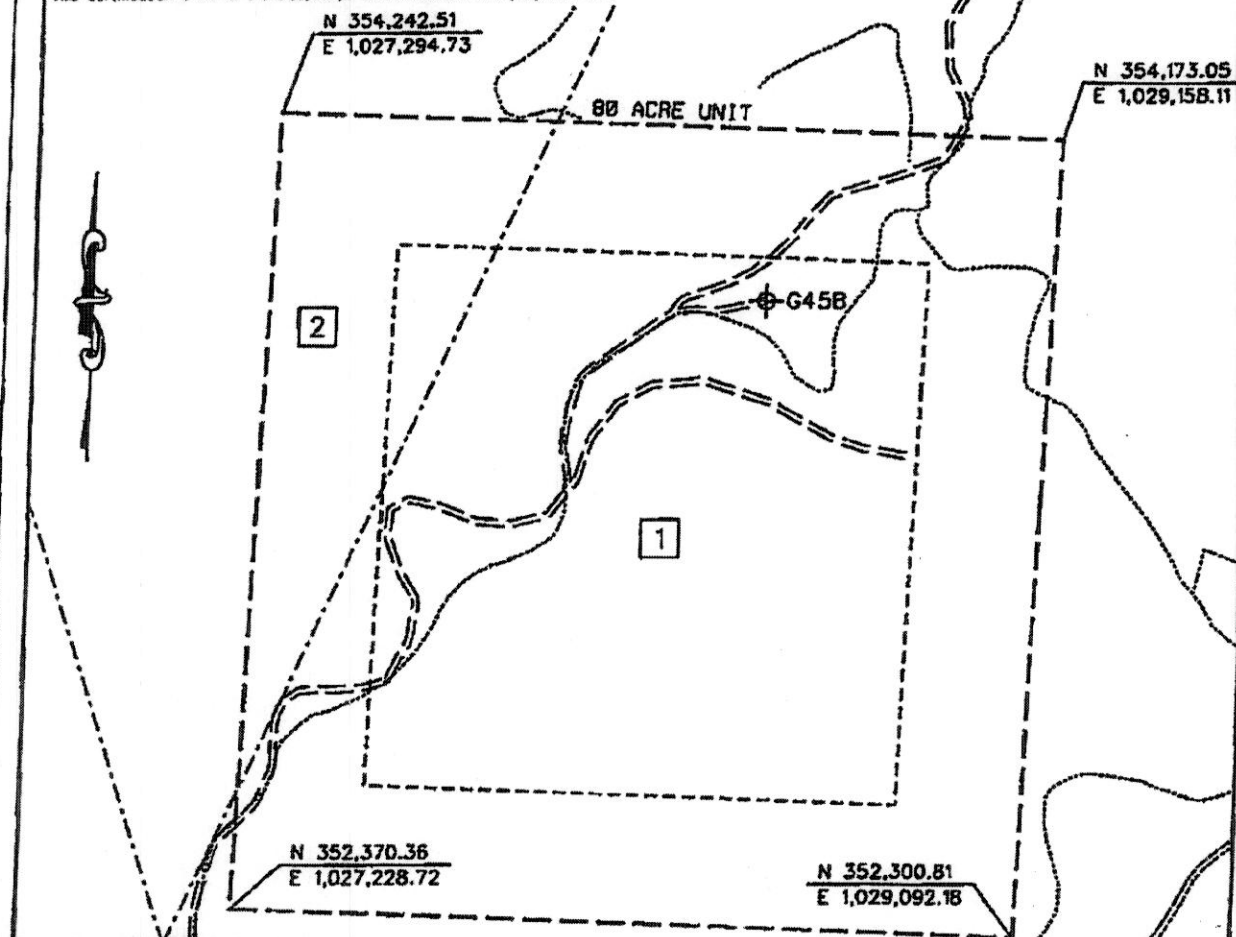
Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Land Resources, Inc., on behalf of the corporate Designated Operator, this 15<sup>th</sup> day of June, 2012.

  
Notary

My commission expires: December 4, 2016



Property lines shown on this plat were provided by CNX Gas Company LLC and were taken from deed descriptions and chains of title of record. This does not represent a current boundary survey. This certification is as to the size, shape and location of the proposed unit.



BEARINGS AND DISTANCES TO OTHER WELLS WITHIN 2,500' RADIUS OF CBM-G45  
 CBM-H45 S 7° 33' 2" W 2441.14'  
 PMC-TC-20 S 56° 27' 44" E 1707.53'  
 CBM-F46 N 38° 17' 38" E 2138.98'  
 ROGERS 202 N 15° 19' 48" W 2006.78'  
 ROGERS 201 N 49° 43' 14" W 1893.13'  
 CBM-G44 S 76° 52' 57" W 2307.54'  
 CBM-G46 S 63° 25' 58" E 1993.19'

- CBM WELL
- ⊙ PROPOSED HORIZONTAL WELL
- ⊕ PROPOSED CBM WELL
- ⊗ CONVENTIONAL WELL

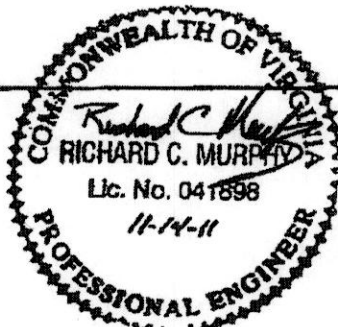


EXHIBIT A  
 OAKWOOD FIELD  
 UNIT G45  
 FORCE POOLING  
 VGOB-11-1220-3009

Company CNX Gas Company LLC Well Name and Number UNIT G45  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle BRADSHAW  
 County BUCHANAN District GARDEN Scale: 1" = 400' Date \_\_\_\_\_  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
 Rev. 9/91

*Richard C. Murphy*

Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

**CNX Gas Company LLC**  
**UNIT G- 45**  
**Tract Identifications**

1.   Pocahontas Mining Limited Liability Company Tr. 64 (1568.15 Acre Tract) - Fee  
     Reserve Coal Properties Company - P-3 Seam and 250' Above Leased  
     Jewell Smokeless Coal Corporation - Tiller and Above Coal Seams Leased  
     Revelation Energy, LLC - Coal Above the Red Ash Seam Leased  
     CNX Gas Company LLC - Oil, Gas and CBM Leased  
     67.88 acres                   84.8500%
  
2.   LBR Holdings, LLC (1027.50 Acre Tract) - All Coal  
     Island Creek Coal Company/Consol Energy, Inc. - Coal Below Jawbone Seam Leased  
     Reserve Coal Properties Company - P-3 Seam Subleased  
     Jewell Smokeless Coal Corporation - Coal In Jawbone Seam and Above Leased  
     LBR Holdings, LLC, et al - Oil and Gas  
     EQT Production Company - Oil and Gas Leased (75%)  
     CNX Gas Company LLC - CBM Leased (Geomet Farmout) (75%)  
     Unknown Surface Owner  
     12.12 acres                   15.1500%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

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Exhibit B-3  
Unit G-45  
Docket #VGOB 11-1220-3009  
List of all Unleased Owners/Claimants

	Acres in Unit	Percent of Unit	Election
<b>II. OIL &amp; GAS OWNERSHIP</b>			
<b><u>Tract #2, 12.12 acres</u></b>			
(1) LBR Holding, LLC, et al. (1,027.50 acre tract)	12.12 acres	15.1500%	
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.19 acres 1/64 of 12.12 acres	0.2367%	Deemed Leased
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	0.19 acres 1/64 of 12.12 acres	0.2367%	Carried Operator
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	0.19 acres 1/64 of 12.12 acres	0.2367%	Deemed Leased
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	0.19 acres 1/64 of 12.12 acres	0.2367%	Carried Operator
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	0.25 acres 1/48 of 12.12 acres	0.3156%	Carried Operator
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	0.25 acres 1/48 of 12.12 acres	0.3156%	Carried Operator
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	0.25 acres 1/48 of 12.12 acres	0.3156%	Carried Operator



Exhibit E  
Unit G-45  
Docket #VGOB 11-1220-3009  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>Tract #2, 12.12 acres</u></b>		
Only 1/8 of LBR Holdings, LLC interest should be escrowed due to conflicting CBM claim.		
<b><u>COAL OWNERSHIP</u></b>		
	12.12 acres	15.1500%
(1) LBR Holdings, LLC	1.52 acres	1.8938%
P.O. Box 22427	1/8 of 12.12 acres	
Lexington, KY 40522-2427		
(1,027.50 acre tract)		
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) LBR Holdings, LLC, et al.	12.12 acres	15.1500%
(1,027.50 acre tract)		
(b) T.G. Rogers, III	0.19 acres	0.2367%
3014 Shalford Lane	1/64 of 12.12 acres	
Matthews, NC 28104		
(c) Derek Browning Rogers	0.19 acres	0.2367%
2300 Carmel Road	1/64 of 12.12 acres	
Charlotte, NC 28226		
(d) Kevin Rogers	0.19 acres	0.2367%
139 Wickham Rd.	1/64 of 12.12 acres	
Garden City, NY 11530		
(e) Shaun Rogers	0.19 acres	0.2367%
121 NE 100th St.	1/64 of 12.12 acres	
Miami Shores, FL 32907-2423		
(f) Gregory Poulos	0.25 acres	0.3156%
1894 Glenwood St., SE	1/48 of 12.12 acres	
Palm Bay, FL 32907-2423		
(g) Jason Poulos	0.25 acres	0.3156%
10870 SW 95 St.	1/48 of 12.12 acres	
Miami, FL 33176		
(h) Pamela Poulos	0.25 acres	0.3156%
5000 SW 83rd St.	1/48 of 12.12 acres	
Miami, FL 33143-8510		

INSTRUMENT #1300000367  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
MARCH 1, 2013 AT 05:00PM  
BEVERLY S. TILLER, CLERK  
RECORDED BY: MXB